

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
March 8, 2016**

The meeting was called to order by Chair Walker at 7:01 p.m.

ATTENDANCE: Chair Patricia Walker, Vice Chair Patrick Rutter; Comms. David Acton, Philip Cipolla, David Flinchum, Wayne Posner, Nilsa Zacarias (1st Alternate); Mr. John Sickler, Director of Planning and Zoning; Ms. Stephanie Thoburn, Assistant Director of Planning and Zoning; Mr. David Kemp, Principal Planner; Mr. Martin Schneider, Senior Planner; Mr. Thomas Baird, Attorney; Ms. Valerie Hampe, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, February 9, 2016.

Vice Chair Rutter moved approval of the minutes; seconded by Comm. Acton. The minutes were approved unanimously by consensus.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **Jupiter Yacht Club (Mariner Building)** – A Planned Unit Development (PUD) amendment to eliminate Condition #8.B. of Ordinance #36-10, to remove the use restrictions to allow all uses permitted within the zoning district, including ground floor office, at the Mariner Building, at 400 South US Highway 1, located in the 40± acre Jupiter Yacht Club PUD. (PZ# 16-1817)

Town Council consideration:

April 5, 2016 – 1st rdg
April 19, 2016 – 2nd rdg

Chair Walker read the title.

Emily O'Mahoney of Gentile, Glas, Holloway, O'Mahoney gave a PowerPoint presentation and briefly reviewed the history of the project. She noted that office use is permitted on the ground floor in the Mixed Use Residential subdistrict portion of Jupiter Yacht Club but not in the Entertainment subdistrict. The entry rotary is the dividing point.

Ms. O'Mahoney observed that there isn't any parking near the Mariner Building; it is all north of the entry rotary. She reviewed the currently permitted uses and discussed why 2,000 s.f. of space has remained vacant for over a year. She mentioned that Jack Robson, the realtor who has been leasing the space for more than 10 years, was present to answer questions.

Jupiter Yacht Club (Mariner Building) – cont'd

Martin Schneider, senior planner, said Staff was in favor of granting the applicant's request to remove restrictions and allow all of the uses permitted in the subdistrict. He said this area has always been Mixed Use Residential which is intended to be less intensive than the Waterway Entertainment district. The Mariner Building is all residential above the commercial tenant spaces, so less intense uses are appropriate. Staff agrees with the applicant's assessment that traditional retail depends on heavy vehicular traffic or foot traffic, high visibility, and convenient parking, none of which this area has. Office use would not have a negative impact on shared parking. A change in use from retail to office would not have a significant effect on traffic.

Vice Chair Rutter asked how much of the 7,000 s.f. has been leased on average through the years. Ms. O'Mahoney replied that there were times when it was completely leased but the corner piece has been vacant for over a year. She said the owner is looking for a solution.

Comm. Zacarias asked if there was someone waiting to rent office space there. Ms. O'Mahoney said there is currently about 2,000 s.f. of space available in the corner unit. Mr. Robson said he is a commercial real estate broker and has represented this property for about 10 years. Most of the interest in the corner unit has come from yacht brokers which are considered an office use in Jupiter. He said most of the retail uses don't like the lack of visibility, U.S. Highway One signage and adjacent parking in addition to low foot traffic.

Comm. Cipolla said this area was originally planned to be a rest stop along the Riverwalk with a coffee shop or sandwich shop. He asked what was being done to bring back the original concept of the area. Mr. Schneider said that type of business could still go there if someone wanted to locate it there. The application being considered would only eliminate some of the current restrictions.

Comm. Flinchum asked if parking for this area was always intended to be on the north side of the rotary rather than on site and Mr. Sickler said yes. Comm. Flinchum then asked if the barrier shown on the SP-2 site plan drawing was a gate intended to block people from parking nearby and Mr. Sickler said yes.

Comm. Posner said the property needs more flexibility; obviously the current restrictions are not working out. He asked if there is currently a yacht broker in Jupiter Yacht Club. Mr. Robson said yes, that use was grandfathered in.

Comm. Posner asked for clarification of the term "entertainment". Mr. Sickler listed permitted uses in the Entertainment district and explained they are active uses which would engage pedestrians. The Entertainment district is the area north of the rotary. Ms. Thoburn added that the Waterway Commercial Entertainment district is for higher intensity uses than the Mixed Use Residential district.

Chair Walker opened the floor to public comment and there was no response.

Comm. Flinchum asked how many parking spaces are required for 7,000 s.f. of retail space. Mr. Sickler said 28 and noted that the parking is shared; not reserved.

Jupiter Yacht Club (Mariner Building) – cont’d

Comm. Acton observed that there is vacant space between Dive Bar and Café des Artistes in the Entertainment district.

Comm. Acton moved to recommend approval with Staff recommendations; seconded by Vice Chair Rutter. The Commission was polled and the motion carried (6-1 vote).

Posner – Y	Zacarias – Y	Acton – Y	Flinchum – Y
Rutter – Y	Walker – Y	Cipolla - N	

DISCUSSION:

Proposed Evaluation and Appraisal Report (EAR)-based Comprehensive Plan Amendments – Discussion of proposed text amendments to the Future Land Use, Transportation, Conservation, Coastal Management, Recreation and Open Space, Intergovernmental Coordination and Capital Improvements elements, and Future Land Use Map and Zoning Map amendments.

Chair Walker read the title.

Mr. Sickler noted that the process of updating the Comprehensive Plan has been significantly reduced by the State since it was last done in 2008. He reviewed the proposed changes for the Future Land Use Element as outlined in the executive summary.

Comm. Posner asked if these changes would allow the properties south of A1A along the Riverwalk to have uses other than commercial. Mr. Sickler said yes but the Town would still encourage commercial uses to engage the Riverwalk.

Comm. Acton suggested Staff consider addressing sober homes, halfway houses and the conversion of multi-family housing into these types of commercial uses. The Town may want to address these issues in the Comprehensive Plan as a driver for how they regulated in Town Code.

Comm. Zacarias asked if the Town permitted an alternative to solid concrete parking. Mr. Sickler said Staff would give that consideration.

Comm. Cipolla said there seems to be a growing opinion that everything should be stopped in the Inlet Village until there is a better understanding of what is going to happen there. Mr. Sickler said we would not be entertaining a moratorium as part of the Comprehensive Plan amendments. Chair Walker explained that these changes were in response to the public asking for less intensity and a more tropical environment in Inlet Village.

Comm. Zacarias asked if there was anything in the Comprehensive Plan regarding tree mitigation when property is developed. Mr. Sickler said yes, we have those standards throughout the Town.

EAR)-based Comprehensive Plan Amendments – cont'd

Mr. Kemp reviewed the proposed amendments, as outlined in the executive summary, starting with the Transportation Element.

Comm. Acton said the need for pedestrian access barriers along the FEC Railway right-of-way should be written in such a way that it is not dependent upon All Aboard Florida or the expansion of Tri-Rail. It is needed for safety.

Comm. Acton said he questioned the wisdom of reducing the width of travel lanes on major thoroughfares such as Indiantown Road and U.S. Highway One. There are still large trucks and SUVs using these roads and narrower lanes would not be safe. We should provide alternate roads or slow down the traffic by some means other than narrowing the lanes. Mr. Sickler agreed and noted that the words "as appropriate" were included in the provision.

Comm. Posner asked where the funds would come from for pedestrian access safety rails by the railway and Mr. Sickler said that is not determined as part of the Comprehensive Plan. Comm. Posner agreed with Comm. Acton that narrowing the lanes is not a good idea.

Mr. Kemp continued by reviewing the proposed changes to the Housing Element. Comm. Posner asked if payments in lieu of providing workforce housing could be used to rehabilitate existing housing. Mr. Kemp said yes. Mr. Sickler said the Town is working toward eliminating the barriers to providing workforce housing off site.

Comm. Flinchum asked if Staff was going to revisit the issue of accessory dwellings. Mr. Sickler said the Town has provisions for having accessory dwelling units on commercial property without a Mixed Use land use. There are also provisions for granny flats in Abacoa and allocations in some of the neighborhoods.

Comm. Cipolla asked what kinds of guarantees exist to ensure workforce housing remains affordable. Mr. Sickler said there are specific requirements for rental units to remain affordable for 30 years and "for sale" houses to remain affordable in perpetuity with buyer and renter qualifications. Specifics would be required for any project, until such time as more specific policies and procedures are adopted.

Mr. Kemp reviewed the proposed changes to the Conservation Element and the Coastal Management Element.

Comm. Acton asked if the Suni Sands property has been designated historic. Mr. Kemp said it is not being designated through this policy, it will be a site that merits protection as a historical and archaeological site. There is a County master site file number for this property, which identifies it as a known archaeological site.

Comm. Acton said his understanding is that the State list includes properties that may later be determined not to have archaeological significance. He said it was inappropriate to include Suni Sands with sites that have received designation. Mr. Kemp replied that this is a known archaeological site by virtue of it receiving a County master site file number.

EAR)-based Comprehensive Plan Amendments – cont'd

Mr. Sickler said that the archaeological significance is public knowledge and it seems appropriate to acknowledge that now. Ms. Thoburn said the site has a low file number in the County system, indicating that it has been considered significant for a long time. Comm. Acton said there should be a strong academic basis for the Comprehensive Plan to consider a site worthy of protection so that properties are not included for political purposes. He acknowledged that the responses Staff gave regarding the Suni Sands property were in-line with what he was saying to validate that the site was worthy of protecting.

Chair Walker asked if the lighthouse has been designated in the Comprehensive Plan. Ms. Thoburn said it has a national designation and it is shown on the Future Land Use Map.

Comm. Posner asked what happens when a site is designated as significant on the Future Land Use Map. Mr. Kemp said if a property contains a known archaeological site, developers need to apply for a certificate to dig simultaneously with any development applications. The Historic Resources Board will determine whether or not to approve a certificate to dig based on a recommendation from the Town's archaeologist. Certificates to dig have guidelines and restrictions.

Comm. Zacarias said Senate Bill 1094 requires local governments to include measures in the Coastal Management Element of their Comprehensive Plan to reduce losses in coastal areas due to sea level rise. Mr. Kemp said Staff will be including those changes but it wasn't discussed as much because it's a statutory requirement. Ms. Thoburn said the Town addressed sea level rise when the marine facilities ordinance was adopted last year.

Comm. Flinchum said there are pros and cons to saving small on-site preserve areas. He did not agree that greenways are necessarily better. He cited the attractive appearance of businesses such as Home Depot and Walgreens and said the tree islands there are important.

Ms. Thoburn replied that those tree islands are greenspace. Staff has found that preserves in urban areas tend to become nuisances and are not kept up. Mr. Sickler added that Jupiter has a high greenspace requirement at 30%.

Mr. Kemp continued by reviewing the recommended changes to the Capital Improvements and Recreation Elements. He also noted that there would be some updates to the Future Land Use Map.

Comm. Acton asked if the Town is still required to use the mid-range BEBR figures for population projections. Mr. Kemp said yes; and they have been almost spot-on from the 2008 projections.

Comm. Zacarias asked if the Town has a plan to develop a long range planning vision with the community. Mr. Sickler said there isn't anything scheduled at this time. The Town has evolved in the strategic planning process. Community surveys are conducted every two years and the public is engaged in the strategic planning process and budget process. These changes have filled some of the void created by the statutory reduction in the EAR process.

EAR)-based Comprehensive Plan Amendments – cont'd

Ms. Thoburn said the Town developed some major visioning as part of the 2008 EAR. The Town is still working on Inlet Village and transit-oriented development in conjunction with strategic priorities. Mr. Sickler said the historic preservation and the open space programs are also notable.

Comm. Zacarias said 2018 might be a good time to evaluate the progress made on the visions established in 2008. Perhaps the Town vision should be reviewed every 10 years.

ADJOURN

Chair Walker adjourned the meeting at 8:39 p.m.

Valerie Hampe, Secretary

PATRICIA WALKER, CHAIR